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February 16, 1962

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**ARIZONA ATTORNEY GENERAL**

LETTER OPINION NO. 62-19-L

REQUESTED BY CLYDE KILLINGSWORTH  
Motor Vehicle Division

QUESTION: Must documents relating to motor vehicles be acknowledge before one of the seven persons designated in A.R.S. §33-502, or may they also be acknowledge before persons qualified under the provisions of A.R.S. §28-204.

CONCLUSION: See body of opinion.

A.R.S. §33-502 reads as follows:

"§33-502 Acknowledgement within the state

The acknowledgment of any instrument may be made in this state before:

1. A judge of a court of record.
2. A clerk or deputy clerk of a court having a seal.
3. A commissioner or recorder of deeds.
4. A notary public.
5. A justice of the peace.
6. A master in chancery.
7. A county recorder."

A.R.S. §28-204 provides:

"§28-204 Oaths and acknowledgments

The superintendent, chief clerk and officers, agents and employees of the division the superintendent designated, may administer oaths and acknowledge signatures, without fee, in any matter connected with the administration of a law the enforcement of which is vested in the superintendent of the division. The superintendent shall issue to all persons designated by him to administer oaths and acknowledge signatures a certificate of authority to do so, the original of

which shall be filed in the division and a copy in  
the office of the secretary of state."  
(Emphasis Supplied)

A.R.S. §33-501 states:

"§33-501 Acknowledgement of instruments

Any instrument may be acknowledged in the  
manner and form otherwise provided by law, or  
as provided by this article."

A.R.S. §33-502 specifically enumerates those persons  
generally empowered to acknowledge any instrument. §33-501  
provides, in effect, that in addition to those persons  
enumerated in §33-502, an acknowledgment by one otherwise  
expressly empowered by law is valid.

The Superintendent of the Motor Vehicle Division is  
charged with the enforcement and administration of motor vehicle  
laws and regulation. A.R.S. §28-204, supra, provides that  
the superintendent may designate persons to acknowledge signatures  
in any matter in connection with the exercise of his res-  
ponsibilities.

Hence, it is the opinion of this office that acknowledg-  
ment of documents relating to motor vehicles may be made by  
either those persons enumerated in A.R.S. §33-502, or by one  
designated and qualified under the provisions of A.R.S. §28-  
204.

Respectfully yours,

ROBERT W. PICKRELL  
The Attorney General

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KGF:jp/dd